

VZCZCXRO3863
OO RUEHCHI RUEHDT RUEHHM RUEHNH
DE RUEHPF #0410/01 1701015
ZNY CCCCC ZZH
O 191015Z JUN 09
FM AMEMBASSY PHNOM PENH
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0840
INFO RUCNASE/ASEAN MEMBER COLLECTIVE PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 PHNOM PENH 000410

SIPDIS

STATE FOR EAP/MLS, P, D, DRL

E.O. 12958: DECL: 06/17/2019
TAGS: [PGOV](#) [PHUM](#) [PREL](#) [KJUS](#) [PTER](#) [CB](#)
SUBJECT: SOK AN ON FREEDOM OF EXPRESSION AND RULE OF LAW

REF: A. PHNOM PENH 394
[1](#)B. TAKSOE-JENSEN/SWCI AMB WILLIAMSON CORRESPONDENCE
(6/11/09)

Classified By: AMBASSADOR CAROL A. RODLEY FOR REASONS 1.4 (B, D)

[1](#)1. (C) SUMMARY: In a June 12 meeting to deliver a UN proposal on an anti-corruption mechanism at the Khmer Rouge Tribunal to Deputy Prime Minister and Minister of the Council of Ministers Sok An (Ref B), the Ambassador repeated earlier remarks on her duty to speak out against corruption on behalf of U.S. interests (Ref A). DPM Sok An launched into a defense of the Royal Government of Cambodia's (RGC) use of the "rule of law" through defamation law suits to counter the lies and distortions of government critics. Noting the ill intentions of some groups to bring down the government, he said that sometimes stronger measures were needed to protect stability and the safety and security of the people. He referred to the recent incident of students sending SMS texts calling for a demonstration against the government over Angkor Wat. He also drew a loose comparison to the anti-Thai riots of 2003 as one among a number of reasons to keep the lid tight on freedoms of expression and assembly. Sok An noted that foreign minister Hor Namhong did not know what to do about the Ambassador's remarks on corruption, and so was avoiding seeing her. END SUMMARY.

Concern About Threats; Reaction Emphasizes Control

[1](#)2. (C) Adding to remarks she had made to Om Yentiong on June 11 (Ref A), the Ambassador expressed serious concern that recent RGC statements seemed intended to threaten or intimidate critics of the government. Sok An replied that the RGC very clearly respected freedom of expression -- all the media was totally free to say what they wanted, he said. There was no censorship prior to publication. Having freedom of the press was a big accomplishment; however, there needed to be checks and balances, he added. In all countries where individuals were free they had to behave themselves and regulate their conduct, he noted. Sok An emphasized that when people abuse these rights it could have a negative impact on society. With the rule of law there is no threat, and those who sue are not threatening freedom of expression, they are just doing their duty. If people were free to violate the law, what would happen to democracy, he inquired. He went on state that without the rule of law, you have anarchy.

[1](#)3. (C) Stating that free elections and freedom of the press are fundamental to democracy, Sok An emphasized that the RGC allows both. But if the rights are abused and the law is violated then the perpetrators must be punished. In this case, Sok An expressed doubt that lawsuits represented a threat to the freedom of expression.

[1](#)4. (C) Referring to the activities of Radio Free Asia and the Voice of America to "twist" information, Sok An said there were "hostile campaigns" to "do bad things" against the

government. In this "wrong" campaign against the government, the media "tell lies," he averred. When there is such a campaign to discredit the government, based on lies, then he cannot agree that the RGC's reaction is a threat to the freedom of information. Rather than filing lawsuits, the Ambassador urged the RGC to reiterate the truth and have more confidence in the public's ability to make distinctions. Sok An, however, maintained the critics "still attack, they always attack." When the Ambassador urged that political speech ought to allow for exchanges of views in which the people could weigh the evidence and decide for themselves, Sok An responded that the reality in Cambodia is far different from the reality in the U.S.

Lies Lead to Public Disorder

15. (C) Harping on the theme of lies leading to public disorder, Sok An related the recent case of complaints against the lighting structures installed at Angkor Wat which had raised a public furor over the partial destruction of the country's ancient heritage. He said that students had sent SMS texts saying "you should go to demonstrate against the government." The RGC was very upset with this movement. Even when the RGC attempted to explain, the critics stimulated anger against the government, all from lies, he complained. Citing the January 2003 anti-Thai riots sparked by the single comment of a Thai actress about Angkor Wat, he said comments in Cambodia can lead to mass riots. In the U.S., this is not the case, he said. The borders were another issue that could inflame public opinion and lead to rioting, he said. Such issues can kill stability, peace and

PHNOM PENH 00000410 002 OF 002

security in Cambodia, thus there must be rule of law, he reasoned.

16. (C) Drawing an analogy with the U.S. Congress's adoption of the Patriot Act soon after the 9/11 attack, Sok An said that the RGC also had to react with strong legislation to "threats" such as lies about Angkor or the border. The threat to stability and security could increase if the RGC did not take action within the framework of the rule of law. Sok An asserted that the RGC's actions are not a repression of freedom of expression but politicians must protect the country. Such actions will ameliorate the threats to peace and security and make freedom of expression more professional and positive. The RGC cannot allow freedom of expression to go against the supreme interests of the country, he added, reasoning that the laws in Cambodia are like the laws the U.S. Congress adopted to preserve stability, security, and the safety of the people, even if there is less overall freedom of expression.

Reaction to Corruption

17. (C) Turning to the RGC's reaction to the Ambassador's corruption statements, Sok An stated that he routinely has frank discussions with donors about how to reduce corruption. In these closed settings, he explains the tough action the RGC takes. However, the RGC does not want to make the same mistake Hong Kong made by taking very strong action which caused the police to riot against the government. Sok An stated that his aide has finished the draft anti-corruption law using experience gleaned from trips to Hong Kong, Malaysia, and Singapore. Citing the potential for a strong backlash, he stated the anti-corruption process would move forward very slowly. Therefore, such a public statement is interpreted as an offense, and Hor Namhong is trying to work out how to respond which is why he has not yet agreed to meet with the Ambassador. Sok An stated that, although Hor Namhong is "very frustrated," his response will be moderate and balanced.

18. (C) COMMENT: In this very difficult and contentious

meeting the DPM gave no ground in the face of the Ambassador's strong representations urging an end to the government's aggressive rhetoric and actions against its critics. Sok An's account of the anti-Thai riots conveniently puts aside the fact that the genesis for those violent events was considered to have had the implicit support of the RGC, before inflamed crowds got out of control and set fire to the Thai embassy and Thai businesses, ending in the destruction of property valued at over \$30 million. Clearly control of the message remains a central theme of the government, which appears to brook no opposition. Additionally, there are no signs the RGC is prepared to back down to international pressure including a strong statement by the UN, with the Prime Minister himself dismissing claims that the lawsuits threaten freedom of expression. In a recent speech, Hun Sen stated that the court "is a ruler who defines who is right or wrong. There is only the court. Why can't we use it?" He went on to call on Sok An to ask lawyers to continue suing critics of the government adding that "we will also file complaints against NGOs." END COMMENT.
RODLEY